

An act to amend Sections 927.9, 11549.3, 13405, and 51018 of the Government Code, to amend Section 12211 of the Public Contract Code, to amend Sections 4137 and 4785 of, and to repeal Sections 4124 and 4515 of, the Public Resources Code, and to repeal Section 34 of Chapter 718 of the Statutes of 2010, relating to state government.



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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 927.9 of the Government Code is amended to read:

927.9. (a) ~~On~~ Except as provided in subdivision (c), on an annual basis, within 90 calendar days following the end of each fiscal year, state agencies shall provide the Director of General Services with a report on late payment penalties that were paid by the state agency in accordance with this chapter during the preceding fiscal year.

(b) The report shall separately identify the total number and dollar amount of late payment penalties paid to small businesses, other businesses, and refunds or other payments to individuals. State agencies may, at their own initiative, provide the director with other relevant performance measures. The director shall prepare a report separately listing the number and total dollar amount of all late payment penalties paid to small businesses, other businesses, and refunds and other payments to individuals by each state agency during the preceding fiscal year, together with other relevant performance measures, and shall make the information available to the public.

(c) The reporting requirements pursuant to subdivisions (a) and (b) shall not apply to the Department of Forestry and Fire Protection.

SEC. 2. Section 11549.3 of the Government Code is amended to read:

11549.3. (a) The director shall establish an information security program. The program responsibilities include, but are not limited to, all of the following:

(1) The creation, updating, and publishing of information security and privacy policies, standards, and procedures for state agencies in the State Administrative Manual.



(2) The creation, issuance, and maintenance of policies, standards, and procedures directing state agencies to effectively manage security and risk for all of the following:

(A) Information technology, which includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, and all related interactions between people and machines.

(B) Information that is identified as mission critical, confidential, sensitive, or personal, as defined and published by the ~~office~~ Office of Information Security.

(3) The creation, issuance, and maintenance of policies, standards, and procedures directing state agencies for the collection, tracking, and reporting of information regarding security and privacy incidents.

(4) The creation, issuance, and maintenance of policies, standards, and procedures directing state agencies in the development, maintenance, testing, and filing of each agency's disaster recovery plan.

(5) Coordination of the activities of agency information security officers, for purposes of integrating statewide security initiatives and ensuring compliance with information security and privacy policies and standards.

(6) Promotion and enhancement of the state agencies' risk management and privacy programs through education, awareness, collaboration, and consultation.

(7) Representing the state before the federal government, other state agencies, local government entities, and private industry on issues that have statewide impact on information security and privacy.



(b) An information security officer appointed pursuant to Section 11546.1 shall implement the policies and procedures issued by the Office of Information Security, including, but not limited to, performing all of the following duties:

(1) Comply with the information security and privacy policies, standards, and procedures issued pursuant to this chapter by the Office of Information Security.

(2) Comply with filing requirements and incident notification by providing timely information and reports as required by policy or directives of the office.

(c) ~~The (1) Except as provided in paragraph (2), the office may conduct, or require to be conducted, independent security assessments of any state agency, department, or office, the cost of which shall be funded by the state agency, department, or office being assessed.~~

(2) The office shall not conduct, or require to be conducted, independent security assessments of the Department of Forestry and Fire Protection.

(d) The office may require an audit of information security to ensure program compliance, the cost of which shall be funded by the state agency, department, or office being audited.

(e) The office shall report to the ~~California~~ Department of Technology Agency any state agency found to be noncompliant with information security program requirements.

SEC. 3. Section 13405 of the Government Code is amended to read:

13405. (a) ~~To Except as provided in subdivision (f), to ensure that the~~ requirements of this chapter are fully complied with, the head of each state agency that the director determines is covered by this section shall, on a biennial basis but no later



than December 31 of each odd-numbered year, conduct an internal review and prepare a report on the adequacy of the agency's systems of internal accounting, administrative control, and monitoring practices in accordance with the guide prepared by the director pursuant to subdivision (d).

(b) The report, including the state agency's response to review recommendations, shall be signed by the head of the agency and addressed to the agency secretary, or the director for agencies without a secretary. Copies of the reports shall be submitted to the Legislature, the State Auditor, the Controller, the Treasurer, the Attorney General, the Governor, the director, and to the State Library where they shall be available for public inspection.

(c) The report shall identify any material inadequacy or material weakness in an agency's systems of internal accounting and administrative control that prevents the head of the agency from stating that the agency's systems comply with this chapter. No later than 30 days after the report is submitted, the agency shall provide to the director a plan and schedule for correcting the identified inadequacies and weaknesses, which shall be updated every six months until all corrections are completed.

(d) The director, in consultation with the State Auditor and the Controller, shall establish, and may modify from time to time as necessary, a system of reporting and a general framework to guide state agencies in conducting internal reviews of their systems of internal accounting and administrative control.

(e) The director, in consultation with the State Auditor and the Controller, shall establish, and may modify from time to time as necessary, a general framework of



recommended practices to guide state agencies in conducting active, ongoing monitoring of processes for internal accounting and administrative control.

(f) The reporting requirement pursuant this section shall not apply to the director of the Department of Forestry and Fire Protection.

SEC. 4. Section 51018 of the Government Code is amended to read:

51018. (a) Every rupture, explosion, or fire involving a pipeline, including a pipeline system otherwise exempted by subdivision (a) of Section 51010.5, and including a pipeline undergoing testing, shall be immediately reported by the pipeline operator to the fire department having fire suppression responsibilities and to the California Emergency Management Agency. ~~In addition, the pipeline operator shall, within 30 days of the rupture, explosion, or fire, file a report with the State Fire Marshal containing all the information that the State Fire Marshal may reasonably require to prepare the report required pursuant to subdivision (d).~~

(b) (1) ~~The California Emergency Management Agency~~ Office of Emergency Services shall immediately notify the State Fire Marshal of the incident, who shall immediately dispatch ~~his or her~~ State Fire Marshal employees to the scene. The State Fire Marshal ~~or his or her~~ the employees, upon arrival, shall provide technical expertise and advise the operator and all public agencies on activities needed to mitigate the hazard.

(2) For purposes of this subdivision, the Legislature does not intend to hinder or disrupt the workings of the “incident commander system,” but does intend to establish a recognized element of expertise and direction for the incident command to consult and acknowledge as an authority on the subject of pipeline incident mitigation.



Furthermore, it is expected that the State Fire Marshal will recognize the expertise of the pipeline operator and any other emergency agency personnel who may be familiar with the particular location of the incident and respect their knowledgeable input regarding the mitigation of the incident.

(c) For purposes of this section, "rupture" includes every unintentional liquid leak, including any leak that occurs during hydrostatic testing, except that a crude oil leak of less than five barrels from a pipeline or flow line in a rural area, or any crude oil or petroleum product leak in any in-plant piping system of less than five barrels, when no fire, explosion, or bodily injury results or no waterway is contaminated thereby, does not constitute a rupture for purposes of the reporting requirements of subdivision (a).

~~(d) The State Fire Marshal shall, every fifth year commencing in 1999, issue a report identifying pipeline leak incident rate trends, reviewing current regulatory effectiveness with regard to pipeline safety, and recommending any necessary changes to the Legislature. This report shall include an assessment of the condition of each pipeline and shall include all of the following: total length of regulated pipelines, total length of regulated piggable pipeline, total number of line sections, average length of each section, number of leaks during study period, average spill size, average damage per incident, average age of leak pipe, average diameter of leak pipe, injuries during study period, cause of the leak or spill, fatalities during study period, and other information as deemed appropriate by the State Fire Marshal.~~

(e)



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(d) This section does not preempt any other applicable federal or state reporting requirement.

(f)

(e) Except as otherwise provided in this section and Section 8589.7, a notification made pursuant to this section shall satisfy any immediate notification requirement contained in any permit issued by a permitting agency.

(g)

(f) This section does not apply to pipeline ruptures involving nonreportable crude oil spills under Section 3233 of the Public Resources Code, unless the spill involves a fire or explosion.

SEC. 5. Section 12211 of the Public Contract Code is amended to read:

12211. (a) ~~Each~~ (1) Except as provided in paragraph (2), a state agency shall report annually to the board their progress in meeting the recycled product purchasing requirements using the SABRC report format provided by the board.

(2) The reporting requirement in paragraph (1) does not apply to the Department of Forestry and Fire Protection.

(b) On or before October 31 of each year, the department shall provide to the board the following information:

(1) A list, by category, of individual reportable recycled products, materials, goods, and supplies that were available for purchase by state agencies from a statewide-use contract, agreement, or schedule during the previous fiscal year.

(2) A list, by category, of all reportable products, materials, goods, and supplies that were available for purchase by state agencies from a statewide-use contract,



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agreement, or schedule, including contract, agreement, or schedule tracking numbers, during the previous fiscal year.

~~(c) The board shall annually provide an agency-specific report to the Legislature identifying all state agency SABRC reporting figures.~~

~~(d) Every three years, the board shall provide, as part of the report described in subdivision (c), recommendations to the Legislature for changes necessary to increase the purchase of recycled content products, materials, goods, and supplies and improve SABRC program efficiency.~~

SEC. 6. Section 4124 of the Public Resources Code is repealed.

~~4124. The department shall submit an annual report to the Joint Legislative Budget Committee, in accordance with Section 9795 of the Government Code, regarding emergency incidents funded entirely or in part from Item 3540-006-0001 of Section 2.00 of the annual Budget Act, commonly referred to as the "emergency fund," or from a similar provision of any future Budget Act that provides funds for emergency fire suppression and detection costs and related emergency revegetation costs, and for which the department administratively classifies these funds as being expended from the emergency fund. The report shall include all of the following:~~

~~(a) For each incident that is estimated to cost more than five million dollars (\$5,000,000), as adjusted annually by the department to account for inflation using the California Consumer Price Index published by the Department of Industrial Relations, the report shall include all of the following information, to the extent the information is known by the department:~~



~~(1) The administrative district or districts and the county or counties in which the incident occurred, and whether the incident occurred in a state responsibility area, local responsibility area, federal responsibility area, or some combination of those areas.~~

~~(2) A general description of the incident and the department's response to the incident.~~

~~(3) The total estimated cost of the incident, listed by appropriate category, including, but not limited to, overtime, additional staffing, inmate costs, travel, accommodations, air support, and nonstate vendor costs.~~

~~(4) The estimated costs charged to the emergency fund, listed by appropriate category, including, but not limited to, overtime, additional staffing, inmate costs, travel, accommodations, air support, and nonstate vendor costs.~~

~~(5) The number of personnel and equipment assigned to the incident, including state resources, federal resources, and local resources.~~

~~(6) Whether the state's costs to respond to the incident are eligible for reimbursement from the federal government or a local government.~~

~~(7) Whether the department had performed any fuel reduction, vegetation management, controlled burns, or other fuel treatment in the area of the incident that impacted either the course of the incident or the department's response to the incident.~~

~~(b) For each incident that is estimated to cost less than five million dollars (\$5,000,000), as adjusted annually by the department to account for inflation using the California Consumer Price Index published by the Department of Industrial Relations,~~



~~the report shall include a list of those incidents, specifying each incident's total estimated cost and total estimated costs charged to the emergency fund.~~

~~(c) Information on any other costs paid in whole or in part from the emergency fund.~~

SEC. 7. Section 4137 of the Public Resources Code is amended to read:

4137. (a) For purposes of this section, "fire prevention activities" include, but are not limited to, all of the following:

- (1) Fire prevention education.
- (2) Hazardous fuel reduction and vegetation management.
- (3) Fire investigation.
- (4) Civil cost recovery.
- (5) Forest and fire law enforcement.
- (6) Fire prevention engineering.
- (7) Prefire planning.
- (8) Risk analysis.
- (9) Volunteer programs and partnerships.

(b) It is the intent of the Legislature that the year-round staffing and the extension of the workweek that has been provided to the department pursuant to memorandums of understanding with the state will result in significant increases in the department's current level of fire prevention activities. It is also the intent of the Legislature that the budgetary augmentations for year-round staffing not reduce the reimbursements that the department receives from contracts with local governments for the department to



provide local fire protection and emergency services pursuant to Section 4144, commonly referred to as "Amador agreements."

~~(c) On or before January 10 of each year, the department shall provide a report to the Legislature, including the budget and fiscal committees of the Assembly and the Senate, in accordance with Section 9795 of the Government Code, detailing the department's fire prevention activities, including the increased activities described in subdivision (b). The report shall display the fire prevention activities of the previous fiscal year, as well as the information from previous reports for purposes of a comparison of data. The report shall include all of the following:~~

~~(1) Fire prevention activities performed by the department on lands designated as state responsibility areas, and by counties, where, pursuant to a contract with the department, a county has agreed to provide fire protection services in state responsibility areas within county boundaries on behalf of the department. The fire prevention activities included in the report pursuant to this paragraph shall include, but not be limited to, all of the following:~~

~~(A) The number of hours of fire prevention education performed.~~

~~(B) The number of defensible space inspections conducted, including statewide totals and totals for each region.~~

~~(C) The number of citations issued for noncompliance with Section 4291.~~

~~(D) The number of acres treated by mechanical fuel reduction.~~

~~(E) The number of acres treated by prescribed burns.~~



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~~(F) Any other data or qualitative information deemed necessary by the department in order to provide the Legislature with a clear and accurate accounting of fire prevention activities, particularly with regard to variations from one year to the next.~~

~~(2) The fire prevention performance measures described in subparagraphs (A) to (F), inclusive, of paragraph (1) shall be reported for each region annually, including activities performed from December 15 to April 15, inclusive.~~

~~(3) Projected fire prevention activities for the following fiscal year.~~

~~(4) Information on each of the "Amador contracts" described in subdivision (b), including an annual update on the number of those contracts and reimbursements received from the contracts that are in effect.~~

SEC. 8. Section 4515 of the Public Resources Code is repealed.

~~4515. The board shall submit to the Legislature on December 1st of each year a report on the actions taken pursuant to this chapter during the preceding fiscal year. Such report shall include a statement of the actions, including legislative recommendations, which are necessary to more fully carry out the purposes and requirements of this chapter.~~

SEC. 9. Section 4785 of the Public Resources Code is amended to read:

4785. The department shall from time to time prepare reports setting forth data as to the experiments so conducted and its findings and conclusions with reference thereto and submit these reports to the board for its guidance and assistance in determining the policy to be followed by the board with reference to range and forage lands. ~~The board shall make these reports available to the Legislature.~~

SEC. 10. Section 34 of Chapter 718 of the Statutes of 2010 is repealed.



~~SEC. 34. (a) On or before January 1, 2012, the Department of Forestry and Fire Protection shall report to the Joint Legislative Budget Committee on the steps taken by the Office of the State Fire Marshal to improve fire and panic safety with respect to green building standards. The report also shall describe all steps taken by the Office of the State Fire Marshal to better coordinate work on green building standards code development with the California Building Standards Commission and the Department of Housing and Community Development.~~

~~(b) (1) The requirement for submitting a report imposed under subdivision (a) is inoperative on January 1, 2016, pursuant to Section 10231.5 of the Government Code.~~

~~(2) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.~~



## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_

General Subject: State government: reporting requirements.

(1) Existing law requires state agencies to provide the Director of General Services with a report on late payment penalties that were paid by the state agencies, as provided. Existing law requires the head of each state agency to conduct an internal review and prepare a report on the adequacy of the agency's systems of internal accounting, administrative control, and monitoring practices. Existing law requires a state agency to report annually to the Department of Resources Recycling and Recovery on its progress in meeting recycled product purchasing requirements and requires the Department of Resources Recycling and Recovery to provide this reported information to the Legislature in an agency-specific report.

This bill would exempt the Department of Forestry and Fire Protection from these reporting requirements and would delete the requirement that the Department of Resources Recycling and Recovery provide the report to the Legislature.



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(2) Existing law requires the Department of Forestry and Fire Protection to submit an annual report to the Joint Legislative Budget Committee regarding emergency incidents and the department's fire prevention activities, as provided.

This bill would delete these requirements and other obsolete reporting provisions.

(3) Existing law requires the State Board of Forestry and Fire Protection to submit a report to the Legislature on the actions taken by the board relating to forest practices, as provided. Existing law requires the Department of Forestry and Fire Protection to prepare reports for the board setting forth data as to the experiments conducted by the department, and existing law requires the board to make these reports available to the Legislature.

This bill would delete the requirements that the board provide these reports to the Legislature.

(4) Existing law authorizes the Office of Information Security to conduct, or require to be conducted, independent security assessments of any state agency, department, or office, as provided.

This bill would prohibit the office from conducting, or requiring to be conducted, independent security assessments of the Department of Forestry and Fire Protection.

(5) Existing law requires the State Fire Marshal to issue a report identifying pipeline leak incident rate trends, reviewing current regulatory effectiveness with regard to pipeline safety, and recommending any necessary changes to the Legislature. Existing law requires a pipeline operator, within 30 days of a pipeline rupture, explosion, or fire, to file a report with the State Fire Marshal.

This bill would delete these requirements.





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Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local  
program: no.



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